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EXAMINER

MILLER, BRANDON J

ART UNIT PAPER NUMBER

2683

DATE MAILED: 09/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/665,687

Applicant(s)

YAMASUCHI ET AL.

Examiner

Brandon J Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haartsen in view of Grubeck and Ogata.

Regarding claim 1 Haartsen teaches a communication terminal having a first radio unit for making radio communication with a base station over a first radio channel and a first radio unit for making a radio communication with another communication terminal by using a second radio channel (see col. 10, lines 33-37 & 54-57, col. 13, lines 15-18, and FIG. 3). Haartsen teaches a first channel establishing section for establishing a first radio channel to a base station through a first radio unit and a second channel establishing section for establishing a second radio channel to a communication terminal through a radio unit (see col.10, lines 33-35 & 55-58 and col. 13, lines 15-18). Haartsen also teaches a control for connecting a base station to another communication terminal over a first and second radio channel (see col. 6, lines 40-45). Haartsen does not teach a second radio unit for making radio communication with another communication terminal using a second channel, a first radio channel having a first radio frequency band, or a second radio channel having a second radio frequency band. Grubeck teaches a second radio unit for making radio communication with another communication terminal using a second channel (see col. 5, lines 64-66 and col. 7, lines 34-36). Ogata teaches a first radio channel

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having a first radio frequency band and a second radio channel having a second radio frequency band (see col. 4, lines 10-13 & 15-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the Haartsen adapt to include a second radio unit for making radio communication with another communication terminal using a second channel, a first radio channel having a first radio frequency band, and a second radio channel having a second radio frequency band because this would allow for a method of selecting a channel for executing a communication from various communication channels.

Regarding claim 2 Ogata teaches a communication terminal that includes a master device connected to a public network over a wired channel (see col. 2, lines 64-67).

Regarding claim 3 Haartsen teaches obtaining a telephone number from a calling party connected to a base station when a radio channel to base station is connected by a first channel establishing section and a control that transfers an obtained telephone number to another communication terminal through a second radio channel (see abstract, col. 6, lines 40-49 & 49-55 and FIG. 3).

Regarding claim 4 Haartsen, Grubeck, and Ogata teach a device as recited in claim 1 except for a communication terminal with a transmission power of a first radio unit that is set to be sufficiently small compared to that of a second radio unit. Grubeck further teaches a communication terminal with a transmission power of a radio unit that is set to be sufficiently small compared to that of another radio unit (see col. 3, lines 13-15 and col. 5, lines 38-42). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the Haartsen, Grubeck and Ogata adapt to include a communication terminal with a transmission power of a first radio unit that is set to be sufficiently small compared to that of a

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second radio unit because this would allow for reduced interference in a radio communication system.

Regarding claim 5 Haartsen, Grubeck, and Ogata teach a device as recited in claim 4 except a communication terminal with a transmission power of a second radio unit that is  $1/10$  or less of the transmission power of a first radio unit. Grubeck further teaches a transmission power of a radio unit that is  $1/5$  or less of the transmission power of another radio unit (see col. 5, lines 38-42). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the Haartsen, Grubeck, and Ogata adapt to include a communication terminal with a transmission power of a second radio unit that is  $1/10$  or less of the transmission power of a first radio unit because this would allow for reduced interference in a radio communication system.

Regarding claim 6 Haartsen teaches a communication terminal having a first radio unit for making radio communication with a base station over a first radio channel and a first radio unit for making a radio communication with another communication terminal by using a second radio channel (see col. 10, lines 33-37 & 54-57, col. 13, lines 15-18, and FIG. 3). Haartsen teaches a first channel establishing section for establishing a first radio channel to a base station through a first radio unit and a second channel establishing section for establishing a second radio channel to a communication terminal through a radio unit (see col.10, lines 33-35 & 55-58 and col. 13, lines 15-18). Haartsen also teaches connecting a base station to another communication terminal over a first and second radio channel (see col. 6, lines 40-45). Haartsen does not teach a second radio unit for making radio communication with another communication terminal using a second channel, a first radio channel having a first radio frequency band, or a

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second radio channel having a second radio frequency band. Grubeck teaches a second radio unit for making radio communication with another communication terminal using a second channel (see col. 5, lines 64-66 and col. 7, lines 34-36). Ogata teaches a first radio channel having a first radio frequency band and a second radio channel having a second radio frequency band (see col. 4, lines 10-13 & 15-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the Haartsen adapt to include a second radio unit for making radio communication with another communication terminal using a second channel, a first radio channel having a first radio frequency band, and a second radio channel having a second radio frequency band because this would allow for a method of selecting a channel for executing a communication from various communication channels.

Regarding claim 7 Haartsen, Grubeck, and Ogata teach a device as recited in claim 2 and is rejected given the same reasoning as above.

Regarding claim 8 Haartsen, Grubeck, and Ogata teach a device as recited in claim 6 except for receiving a telephone number from a calling party connected to a base station when a radio channel to base station is connected by a first radio unit, transferring an obtained telephone number to another communication terminal through a second radio unit and making a second call to a calling party from another communication terminal in accordance with a telephone number. Haartsen further teaches receiving a telephone number from a calling party connected to a base station when a radio channel to base station is connected by a first radio unit and transferring an obtained telephone number to another communication terminal through a second radio unit (see abstract, col. 6, lines 40-49 & 49-55 and FIG. 3). Haartsen also further teaches making a call to a calling party from another communication terminal (see col. 7, lines 52-56). It would have been

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obvious to one of ordinary skill in the art at the time the invention was made to make the Haartsen, Grubeck, and Ogata adapt to include receiving a telephone number from a calling party connected to a base station when a radio channel to base station is connected by a first radio unit, transferring an obtained telephone number to another communication terminal through a second radio unit and making a second call to a calling party from another communication terminal in accordance with a telephone number because this would allow for a mobile assisted handover in a radio communication network without call interruption.

Regarding claim 9 Haartsen, Grubeck, and Ogata teach a device as recited in claim 6 except for receiving a telephone number from a calling party connected to a base station when a radio channel to base station is connected by a first radio unit, transferring an obtained telephone number to another communication terminal through a second radio unit and making a second call to a calling party from a master device for connecting a radio channel in accordance with a telephone number. Haartsen further teaches receiving a telephone number from a calling party connected to a base station when a radio channel to base station is connected by a first radio unit and transferring an obtained telephone number to another communication terminal through a second radio unit (see abstract, col. 6, lines 40-49 & 49-55 and FIG. 3). Haartsen also further teaches making a call to a calling party from another communication terminal (see col. 7, lines 52-56). Ogata further teaches a master device for connecting a radio channel (see col. 7, lines 43-47). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the Haartsen, Grubeck, and Ogata adapt to include receiving a telephone number from a calling party connected to a base station when a radio channel to base station is connected by a first radio unit, transferring an obtained telephone number to another

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communication terminal through a second radio unit and making a second call to a calling party from a master device for connecting a radio channel in accordance with a telephone number because this would allow this would allow for a mobile assisted handover in a radio communication network without call interruption.

Regarding claim 10 Haartsen Haartsen, Grubeck, and Ogata teach a device as recited in claim 6 except for receiving a telephone number from a calling party connected to a base station when a radio channel to base station is connected by a first radio unit, transferring an obtained telephone number to another communication terminal through a second radio unit and making a second call to a calling party from a master device connecting to a public network over a wired channel in accordance with a telephone number. Haartsen further teaches receiving a telephone number from a calling party connected to a base station when a radio channel to base station is connected by a first radio unit and transferring an obtained telephone number to another communication terminal through a second radio unit (see abstract, col. 6, lines 40-49 & 49-55 and FIG. 3). Haartsen also further teaches making a call to a calling party from another communication terminal (see col. 7, lines 52-56). Ogata further teaches a master device for connecting a radio channel (see col. 7, lines 43-47) and a master device connected to a public network over a wired channel (see col. 2, lines (64-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the Haartsen, Grubeck, and Ogata adapt to include receiving a telephone number from a calling party connected to a base station when a radio channel to base station is connected by a first radio unit, transferring an obtained telephone number to another communication terminal through a second radio unit and making a second call to a calling party from a master device connecting to a public network over



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a wired channel in accordance with a telephone number because this would allow for a mobile assisted handover in a radio communication network without call interruption.

Regarding claim 11 Haartsen teaches a radio channel establishing section for establishing a radio channel to a radio communication device connected to a base station (see col. 10, lines 33-37). Haartsen teaches a receiving means for receiving a telephone number over a radio channel (see col. 6, lines 9-11 & 48-50 & 62-63). Haartsen also teaches ceasing an established radio channel and originating a call to a party with a received telephone number (see col. 4, lines 8-10, col. 10, lines 18-22, and col. 11, lines 6-63).

Regarding claim 12 Haartsen teaches a communication terminal having a first radio unit for making radio communication with a base station over a first radio channel and a first radio unit for making a radio communication with another communication terminal by using a second radio channel (see col. 10, lines 33-37 & 54-57, col. 13, lines 15-18, and FIG. 3). Haartsen teaches a first channel establishing section for establishing a first radio channel to a base station through a first radio unit and a second channel establishing section for establishing a second radio channel to a communication terminal through a radio unit (see col. 10, lines 33-35 & 55-58 and col. 13, lines 15-18). Haartsen teaches receiving information from a base station over a first radio channel (see col. 10, lines 33-38 and FIG. 3). Haartsen also teaches sending received information to another communication terminal over a second radio channel while receiving information over a first radio channel (see col. 6, lines 40-46). Haartsen does not teach a second radio unit for making radio communication with another communication terminal using a second channel, a first radio channel having a first radio frequency band, or a second radio channel having a second radio frequency band. Grubeck teaches a second radio unit for making radio

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communication with another communication terminal using a second channel (see col. 5, lines 64-66 and col. 7, lines 34-36). Ogata teaches a first radio channel having a first radio frequency band and a second radio channel having a second radio frequency band (see col. 4, lines 10-13 & 15-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the Haartsen adapt to include a second radio unit for making radio communication with another communication terminal using a second channel, a first radio channel having a first radio frequency band, and a second radio channel having a second radio frequency band because this would allow for a method of selecting a channel for executing a communication from various communication channels.

Regarding claim 13 Haartsen, Grubeck, and Ogata teach a device as recited in claim 2 and is rejected given the same reasoning as above.

Regarding claim 14 Haartsen, Grubeck, and Ogata teach a device as recited in claim 3 and is rejected given the same reasoning as above.

Regarding claim 15 Haartsen, Grubeck, and Ogata teach a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 16 Haartsen, Grubeck, and Ogata teach a device as recited in claim 5 and is rejected given the same reasoning as above.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ito U.S. Patent 5,297,190 discloses a radio communication system.

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Tokuyoshi U.S. Patent 6,377,806 discloses a mobile phone with communication channel switching determination unit.

Scott, II U.S. Patent 6,282,423 discloses a wireless communication system with selectable signal routing and method therefor.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J Miller whose telephone number is 703-305-4222. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Bjm

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September 19, 2002

W. Trost

WILLIAM TROST  
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